IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	**Mail Stop APPEAL BRIEF - PATENTS**
Max Carl Knees et al.	
Application No.: 10/716,605	Group Art Unit: 2154
Filed: November 20, 2003	Examiner: Keefer Michael E.
For: NETWORK DISCOVERY	Appeal No.: _____
	Confirmation No.: 7176

REPLY BRIEF

Commissioner for Patents
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Sir:

This Reply Brief is being filed in response to arguments raised in the Examiner's Answer (the Answer) dated March 8, 2007.

Claims 1, 8, and 11 are distinguishable over *Raab*

In the Appeal Brief, Appellant asserted that *Raab* discloses that a query is performed to determine a media type and select a sphere agent based on the media type. The fact that the sphere agent can communicate data in an SNMP format is inconsequential to whether the sphere agent is selected, as the sphere agent is identified based on the media type of the associated sphere (See Appeal Brief, pp. 5-6).

In the Answer, the Examiner alleges that because *Raab* must determine an SNMP-aware sphere agent for each node, *Raab* is effectively identifying a device on the network that is SNMP enabled through a query (see Answer, pgph bridging pgs 7 and 8).

Appellant disagrees because *Raab* does not disclose that a sphere agent is determined based on whether it is "SNMP-aware." Rather, a global topology agent (GPA) queries a dispatch (device) to determine a media type of the network to which the dispatch belongs (col. 11, lines 10-18; col. 12, lines 5-35). There is no teaching or suggestion that the GPA is designed to search for a network based on whether it is SNMP enabled. In fact, and as discussed in the Appeal Brief, *Raab* discloses a concept in which each sphere agent makes topology data available in an SNMP format, such that the sphere agents are known or established prior to the point at which the media type of the network is determined. Stated differently, the GPA has no need of searching for an SNMP sphere agent since all sphere agents are SNMP enabled and all are already known prior to the query of the dispatch is performed.

Claims 3 and 13 are distinguishable over *Raab*

In the Appeal Brief, Appellant asserted that *Raab* does not disclose dispatching identified devices to agents, but merely discloses that a sphere agent sends topology information to a global topology agent.

In the Answer, the Examiner disagrees. However, *Raab* discloses that a sphere agent collects topology information for a respective Sphere, and provides the topology information to a GPA using SNMP. Moreover, the each sphere agent notifies the GPA when the topology of the sphere to which they belong changes (see col. 5, lines 33-63).

Based on the foregoing disclosure, one of ordinary skill would understand that the topology of the sphere is determined based on the topology information collected by each sphere agent and sent to the GPA. In other words, there appears to be no need to dispatch identified devices to agents since the agents appear to inform the

GPA of each device in its sphere or to which it is connected. Further, there is no evidence that the GPA uses the topology information provided by the sphere agents to redistribute the addressable devices to sphere agents or other spheres based on the topology information. Such a process or technique would seem more germane to Appellant's claimed dispatch than the mere collection of information described by *Raab*.

***Raab* fails to anticipate claims 7 and 17**

Upon careful review of the Answer, Appellant maintains that the features disclosed by *Raab* are not analogous to the features recited in Appellant's claims 7 and 17.

Particularly, claims 7 and 17 recite among other features, invoking a seventh module, which clears the dispatch and returns portions of the third database and refreshes topology and layer databases and signals that topological analysis with respect to the zone has been completed..

The cited portions of *Raab* establish the use of two data sets (SET1 and SET2) that identify networks that have been discovered but not processed (SET1) and networks that have been discovered and processed (SET2). See *Raab*, col. 6, lines 30-67. Networks can be moved from SET1 to SET2 when their processing status changes. *Raab*, however, does not disclose the use of a first, second, and third database as required by the claim. In fact, it does not appear that the *Raab* contemplates the distribution of data amongst first, second, and third databases as recited in the claims. More importantly, this reference fails to disclose or suggest clearing a dispatch and returning portions of the third database and refreshing topology and layer databases and signals that topological analysis with respect to the zone has been completed, as recited in the aforementioned claims.

***Goringe* fails to establish a *prima facie* case of anticipation**

In the Appeal Brief, Appellant argues that *Goringe* discloses a technique in which a data collection agent contacts a border router and determines if a response was received within a predetermined time interval (see pgph [0048]). Because there is no collection of data from the router due to this contact, it appears that in this instance the communication between the data collection agent and the router amounts to a pinging technique.

In the Answer, the Examiner alleges that because *Goringe* discloses the use of queries to determine SNMP aware devices in a zone, this reference anticipates Appellant's claims. However, because *Goringe* does not disclose that data is transferred between the participating devices (data collection agent and border router), one of ordinary skill would understand that a query could not have been performed. *Goringe* does disclose that the data collection agent reads a row of the data table of the border router, however, this reading is not done during the execution of or in response to a query (see *Goringe*, pgphs [0048], [0049]).

Conclusion

Based on the above discussion, independent claims 1, 8, 11 and dependent claims 3, 7, 13, and 17 are not anticipated by either *Raab* or *Goringe*. The remaining points in the Examiner's Answer with respect to appealed claims 1-17 are addressed in the Appellant's Appeal Brief, and therefore are not discussed further herein. For the reasons presented in the Appellant's Brief and this Reply Brief, the rejections of the claims are not supported by the cited prior art references and thus Appellant respectfully requests that the same not be sustained.

Respectfully submitted,

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I hereby certify that this document is being filed by personal delivery to the Customer Service Window Randolph Building, 401 Dulany Street Alexandria, VA 22314, of the United States Patent & Trademark Office on the date indicated above.

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